

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

Revised

February 3, 2004
Continued from January 27, 2004

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FROM: KEN A. MILLER, Director
Department of Public Works - **Flood Control**

SUBJECT: **CONTRACT WITH MIKE BUBALO CONSTRUCTION COMPANY, INC. FOR
IMPROVEMENTS TO THE LINDEN AVENUE STORM DRAIN IN THE CITY OF
RIALTO**

RECOMMENDATION: Acting as governing body of the Flood Control (District):

- (1) Reject the bid of Southern California Underground Contractors, Inc., finding that they failed to properly complete the required Public Contract Code Section 10162 Questionnaire and therefore the bid is considered non-responsive;
- (2) Award contract to Mike Bubalo Construction Company, Inc. in the amount of \$1,202,725 for improvements to the Linden Avenue Storm Drain from the Metro Link Railroad to Merrill Basin in the City of Rialto;
- (3) Authorize a contingency fund in the amount of \$120,272 and authorize the Director of Public Works to execute changes in the contract should they become necessary in the future; and
- (4) Authorize the Director of Public Works to execute the Notice of Completion after acceptance of the work.

BACKGROUND INFORMATION: The current storm drain system along Linden Avenue from the Metro Link Railroad to Merrill Basin is inadequate to convey major storm flows into the basin. Accordingly, the District prepared plans for a project to improve the storm drain by constructing a 5-foot high by 10-foot wide reinforced concrete box from the outlet of the triple 63-inch reinforced concrete pipe culverts under the railroad to Merrill Basin including a transition structure at the culvert outlets and an inlet structure at the Basin.

On July 15, 2003, the Board approved the plans and specifications and authorized advertising for bids. Nine bid proposals were received on September 25, 2003. The lowest bid was by Southern California Underground Contractors, Inc. at \$1,179,496, followed by Mike Bubalo Construction Company, Inc. at \$1,202,725, and Utah Pacific Construction Co. at \$1,223,920. The engineer's estimate was \$1,130,952. Department staff has reviewed the proposals and determined that they are acceptable with the exception of the bid by Southern California Underground Contractors, Inc. (SCU), which is recommended to be rejected for having failed to properly complete the Public Contract Code Section 10162 Questionnaire in the Proposal.

Public Contract Code Section 21061 requires the Board to award the contract to the lowest responsible bidder and also allows the Board to authorize the Director to order changes in construction contracts should they become necessary in the future. In accordance with this code, cumulative changes in excess of \$72,636 will require Board approval. Upon approval by the Board, construction should commence **immediately** and be completed by mid July 2004.

Record of Action of the Board of Supervisors

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REVIEW AND APPROVAL BY OTHERS: This item was reviewed and approved by Deputy County Counsel Charles S. Scolastico (387-5481) on January 6, 2004, and the County Administrative Office, (Tom Forster, Administrative Analyst, 387-4635) on January 14, 2004.

FINANCIAL IMPACT: The cost of this contract is \$1,202,725. Funds for this contract are available in the Zone 2 2003/2004 fiscal year budget (RFF-092-092-19F01649).

COST REDUCTION REVIEW: The County Administrative Office has reviewed this agenda item and concurs with the department's proposal and recommends this action because the storm drain to be constructed is critical for the conveyance of storm flows from the railroad to the basin. Also, the cost associated with this item will be paid from dedicated Flood Control Zone 2 funds. This item has no impact on the County General fund.

SUPERVISORIAL DISTRICT(S): 5th.

PRESENTER: Ken A. Miller, 387-7906.

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